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REPLY TO Wilmington Office

September 12, 2008

VIA ECF and E-MAIL

The Honorable Vincent J. Poppiti
Blank Rome LLP
1201 N. Market Street, Suite 800
Wilmington, DE 19801

Re: *Honeywell Int'l Inc. v. Apple Computer, Inc., et al.*, Civ. No. 04-1338-JJF

Dear Judge Poppiti:

I write on behalf of the Sony Ericsson parties. Sony Ericsson joins in the position set forth by Sony in its letter dated today with regard to the supplemental Markman proceedings. To the extent Sony Ericsson is not dismissed from these proceedings, it would be extraordinarily difficult, if possible at all, to meaningfully participate in supplemental Markman proceedings. The Sony Ericsson products that Honeywell has accused of patent infringement in this case—some of which were identified to Sony Ericsson by Honeywell in 2008—have never been the subject of discovery in this case, and Sony Ericsson has never been provided infringement contentions for these products. An enormous amount of work would need to be undertaken by Sony Ericsson in a very short period of time in order for it to be in a position to engage in the claim construction process. This would be akin to a retroactive lift of the stay, and the elimination of the efficiencies that were gained by having the stay entered in the first place. Accordingly, Sony Ericsson objects to the requirement that it participate in (and be bound by) supplemental Markman proceedings in the near future as part of the Manufacturers' case. Instead, Sony Ericsson urges that the case remains stayed against it until after the Manufacturers' case.

Respectfully Submitted,

Francis DiGiovanni

FD/njw

cc: Clerk of Court (via ECF)
Counsel of Record (via ECF and e-mail)

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